

**United States District Court  
Western District of Washington  
Tacoma Division**

John Doe #1, et al.,

vs.

Sam Reed, et al.,

### **Plaintiffs,**

Defendants.

No. 3:09-CV-05456-BHS

## The Honorable Benjamin H. Settle

## **Motion to File Over-length Motion**

**NOTE ON MOTION CALENDAR:**  
June 24, 2011

1 Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington (“Plaintiffs”) hereby  
 2 seek approval to file an over-length motion for summary judgment.

3 In support of this motion, and to show good cause, Plaintiffs make the following statements:

4 1. In June 2010, the Supreme Court sent this case back to the District Court with  
 5 instructions to allow the Plaintiffs to argue the second count of their original complaint, namely,  
 6 that, as applied, it is unconstitutional for the State of Washington to publish the names and  
 7 addresses of Referendum 71 petition signers. *Doe v. Reed*, 130 S.Ct. 2811, 2821 (2010).

8 2. To prevail, Plaintiffs must show ““a reasonable probability that the compelled  
 9 disclosure of personal information will subject them to threats, harassment, or reprisals from  
 10 either Government officials or private parties.”” *Id.* (internal brackets omitted) (*quoting Buckley*  
 11 *v. Valeo*, 424 U.S. 1, 74 (1976)). Obviously, to successfully make that showing, Plaintiffs must  
 12 point to evidence.

13 3. Plaintiffs’ evidence is not constrained to an isolated incident or group of incidents. (If it  
 14 were, Plaintiffs could hardly expect to prevail on their claim.) Rather, the breadth of the evidence  
 15 is enormous. There have been death threats; physical assaults and threats of violence; vandalism  
 16 and threats of destruction of property; angry protests with physical encounters; lewd and  
 17 perverse demonstrations; intimidating emails and phone calls; loss of employment and job  
 18 opportunities; and gross expressions of anti-religious bigotry.

19 4. It is self-evident that a discussion of this voluminous evidence cannot be limited to the  
 20 24 pages allotted by rule. For the benefit of all parties, and the Court, Plaintiffs have summarized  
 21 the evidence as succinctly as possible. Those summaries span 96 additional pages. Plaintiffs  
 22 affirm that they have confined all legal arguments to 24 pages and the additional pages are solely  
 23 for factual statements.

24 The “purposes of the page limit” are to encourage “[j]udicial economy and concise  
 25 argument.” *Weilert v. Health Midwest Development Group*, 95 F. Supp. 2d 1190, 1192 (D. Kan.  
 26 2000). Both of those purposes will be served by granting this motion. Moreover, as the factual  
 27 evidence is the key to Plaintiffs’ as-applied challenge, considerations of fairness and equity also  
 28 counsel in favor of granting the motion. Plaintiffs therefore pray that the Court grant this motion

1 for an additional 96 pages to present their summaries of evidence, in numbered-paragraph form.

2

3 Dated this 24th day of June, 2011.

4 Respectfully submitted and approved by:

5 Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington:

6

7 By: /s/ Jared Haynie  
Jared Haynie  
8 Attorney for Plaintiffs

## CERTIFICATE OF SERVICE

I, Jared Haynie, am over the age of 18 years and not a party to the above-captioned action.

My business address is 1 South Sixth Street; Terre Haute, Indiana 47807-3510.

On June 24, 2011, I electronically filed the foregoing document, described as @@ with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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# *Counsel for Intervenor Washington Families Standing Together*

I declare under the penalty of perjury under the laws of the State of Indiana that the above is true and correct. Executed this 24th day of June, 2011.

/s/ Jared Haynie  
Jared Haynie  
*Counsel for All Plaintiffs*